

Court Ex. 2A
Verdict Form

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZSA ZSA JEWELS, INC.,

Plaintiff,

15-CV-6519
(KAM) (RLM)

- against -

BMW OF NORTH AMERICA, LLC,

Defendant.

-----X

VERDICT FORM

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1. Do you the jury unanimously find by a preponderance of the evidence that the Defendant's BMW X3 tire pressure monitor system was not reasonably safe in that it was defectively manufactured and/or defectively designed?

✓ Yes _____ No

If your answer to Question 1 is "No," proceed no further and the foreperson should sign the form at the end. If your answer to Question 1 is "Yes," you should continue and answer Question 2.

2. If you answered "Yes" to Question 1, was the manufacturing defect and/or design defect a substantial factor in causing Plaintiff's damages?

✓ Yes _____ No

If your answer to Question 2 is "No," proceed no further and the foreperson should sign the form at the end. If your answer to Question 2 is "Yes," you should continue and answer Questions 3, 4 and 5.

3. Were any of Plaintiff's claimed damages caused by Plaintiff, or its employees', misuse of Defendant's product?

_____ Yes ✓ No

4. Could the Plaintiff, or its employees, by the use of reasonable care, have realized and avoided the danger?

_____ Yes ✓ No

5. Could the Plaintiff, or its employees, by the use of reasonable care, have avoided the damages to Plaintiff?

_____ Yes ✓ No

If your answers to each of Questions 3, 4 and 5 are "No," you should continue to Question 7. If your answer to any

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of these questions is "Yes," you should continue and answer Question 6.

6. What is the percentage of responsibility chargeable to Defendant and what is the percentage of responsibility chargeable to Plaintiff?

_____ Defendant % _____ Plaintiff %

The numbers must add up to 100%. Please proceed to Question 7.

7. What is the replacement cost as of November 6, 2013, the date of the incident, of the jewelry merchandise that Plaintiff has proven was contained in the BMW X3, if any?

\$ 450,000

Continue to Question 8.

8. Did the Plaintiff, or its employees, fail to mitigate its claimed damages?

_____ Yes ☒ No

If you answered "Yes," to Question 8, continue to Question 9. If you answered "No," proceed no further and the foreperson should sign the form at the end.

9. What percentage of Plaintiff's claimed damages is attributable to its or its employees' failure to mitigate?

% _____

Jury Foreperson - Print Name: Deidre Hogue

Jury Foreperson - Signature: D. Hogue

Date: 12/9/2022